

From: Martelle Esposito [mailto:MEsposito@nwica.org]

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To: Adele King ; Alicia Drum; Allen Wind ; Amanda Martin ; Anita Seneca ; Ann Barone ; Bernice Grace; Betsy Clarke; Bister, Donna; Brenda Carter ; Brenda Finn; Carmen Cabrera; Carol Jared; Charles Morris; Charles Morris; Chris Furner; Claudene Williams ; Colleen Donovan; Colleen Pearce; Dana Miro ; Darwin Snyder; Daryl Crawford ; David Thomason ; Debra L. Keyes; Elvie Guthrie-Lewis; Fran hawkins; Iva Denson; Jackie Siow ; Jacqueline Marlette-Boras; Janet Charles; Janet Moran; Jill Lange; Joan Bowsher ; Joanne White; Jodi Yarmal ; Joleen Straighthead; Josephine Cialone; Judy Hause; Julie Maney; Karen Chustz; Karen Griego-Kite ; Karen Sell; Boulette, Kimberly; Leonard Mirabal ; Linda Chock; Lindsay Rodgers; Lisa Hodgkins; Litzsinger, Cristi - CO 1st; Lorna Concepcion; Madeline Grinnell; Margaret Murphy; Chambers, Marjorie; Mary Dominguez; Mary Lucero; Mary Mickles; Melinda Newport; Michael Welch; Michele Frizzell; Michelle Walker; Mindy Jossefides ; Nancy Corbin; Patricia Daniluk ; Patti J. Hauser; Peggy Lewis; Peggy Trouba; Penny Roth ; Rayshiang Lin ; Renee Harris; Rhonda Buntrock; Rhonda Dempster; Rita Pacheco; Roberta Hayward; Ruby Wolf; Sarah Flores-Sievers ; Sarah Renner ; Shelley Schneider ; Sherry Ferris; Stan Bien; Susan Handford; Susan White; Susan Woodbury; Terry Bryce; Vonda Wells Ph.D. ; 'Wayne, Kathleen A (HSS)'; Will Cramer; Yvonne Bickerstaff

Cc: Douglas Greenaway; Cecilia Richardson; Robert Lee; Samantha Lee; D.Pierre Francois; Nayeli Lucero

Subject: NWA Perspective on Recent Abbott Actions

Dear State Directors,

It has come to our attention that Abbott, the infant formula manufacturer, is circulating the attached document to encourage advocacy on their behalf. They may be targeting both State and Local Agency offices. They are requesting that you and your colleagues send letters to USDA and to the Chairmen and Ranking Members of the House of Representatives Committees that fund and authorize the WIC Program. In the letters, they would like you to ask that WIC regulations be updated to provide access to the latest innovations in infant formula. In other words, they are requesting that the 19 Kcal/ounce Abbott formulas, currently not defined as approved WIC formulas by USDA due to their lower calorie content, be included in the list of approved formulas.

As you may recall, last year Abbott decreased the calorie content in several of their formulas from 20 Kcals/ounce to 19 Kcals/ounce, leaving many state agencies in a bind mid-year. Because USDA defines infant formula as having 20 Kcal/ounce, the new lower calorie formula was no longer in compliance with WIC regulations. USDA provided a work-around option for states: clients could get some of the new lower calorie formulas with a physician's prescription. Abbott maintains that this added step creates an additional barrier for clients to obtain one of the lower calorie formulas.

While NWA is not opposed to updating the WIC regulations after third party scientific review and after completing the standard rulemaking process, NWA is opposed to mandating the new formula into WIC through legislative action by Congress. This is the potato issue with a new face. Any provisions to mandate these lower calorie formulas into WIC by Congress would override the sound scientific judgment of our nation's leading nutrition science experts who spent years studying what foods should be included in the WIC food package. Further, USDA seeks guidance from the pediatric nutrition experts at the American Academy of Pediatrics, not infant formula manufacturers. Congressional efforts to change the WIC food package because of pressure from the formula industry, or any food industry group for that matter, jeopardize WIC's effectiveness.

We urge you not to write members of Congress asking them to mandate the lower calorie Abbott formulas into WIC. Such a change can be made through the regulatory process, pending scientific justification for the change by experts.

NWA has alerted USDA to the document, and we will be in touch regarding any next steps on the issue.

Kind regards,

Martelle

Martelle Esposito, MS, MPH

Public Policy Nutritionist

National WIC Association

2001 S Street, NW, Suite 580

Washington, DC 20009

Tel: 202.232.5492 | Fax: 202.387.5281

mesposito@nwica.org | www.nwica.org

